

REMARKS

The Examiner has rejected Claims 1-2, 4, 6-9, 13-16, 18, 20-23, and 25 under 35 U.S.C. 103(a) as being unpatentable over King (U.S. Publication No. 2002/0178028 A1), in view of Larsson et al. (U.S. Patent No. 6,226,747). Applicant respectfully disagrees with such rejection.

Applicant respectfully asserts that the Examiner's reliance upon the King reference is improper since King's filing date of 05/07/2002 fails to predate applicant's filing date of 10/19/2001. It is noted that the King reference claims priority to a provisional application filed 05/07/2001 under application serial number 60/289,259, hereinafter King '259 (copy attached). However, the King '259 reference includes very little information, and fails to make a prior art showing of applicant's claimed techniques, as evidenced below.

For example, with respect to the independent claims, applicant respectfully asserts that Pages 1-3 from King '259 fail to make a prior art showing of applicant's claimed "determining if a current user has sufficient privileges to run the installation program" (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that Pages 1-3 from King '259 merely disclose that "[t]he end user will receive a self installing compact disk (or other media if so requested) containing the software needed in their computer to both install the necessary drivers for their operating system (such as Microsoft's Windows products) and the software modifications and additions for their handheld device" (King '259, Page 2, Installation Procedure - emphasis added). However, the mere disclosure that the software installs the necessary drivers for the operating system completely fails to even suggest "determining if a current user has sufficient privileges to run the installation program" (emphasis added), as claimed by applicant.

In addition, with respect to the independent claims, applicant respectfully asserts that Pages 1-3 from King '259 fail to make a prior art showing of applicant's claimed "if the current user does not have sufficient privileges, recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package, and authenticating to the computer using the set of user credentials" (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that pages 1-3 from King '259 merely disclose that "[t]he end user will receive a self installing compact disk (or other media if so requested) containing the software needed in their computer to both install the necessary drivers for their operating system (such as Microsoft's Windows products) and the software modifications and additions for their handheld device" (King '259, Page 2, Installation Procedure - emphasis added). However, the mere disclosure that the self installing compact disk contains software needed to install the necessary drivers for the operating system and the software modifications and additions for the handheld devices simply fails to even suggest "if the current user does not have sufficient privileges, recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package, and authenticating to the computer using the set of user credentials" (emphasis added), as claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP262/01,205.01).

Respectfully submitted,
Zilka-Kotab, PC.

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100